THE HON'BLE MR JUSTICE ELIPE DHARMA RAO

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WRIT PETITION NO : 18592 of 2005

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Dated 23.08.2005

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Between:

Pesala Ramesh Kumar,

Son of P. Balakristam Setty,

Aged about 43 years, Residing at

D.No.1-1-1, Naidupet,

Nellore District. …Petitioner

AND

1. The Mandal Revenue Officer,

D.V.Satram, Nellore District

and another …Respondent

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THE HON'BLE MR JUSTICE ELIPE DHARMA RAO

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WRIT PETITION NO : 18592 of 2005

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ORDER:

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This writ petition is filed seeking a direction, in the nature of writ of Mandamus, declaring the action of the 1st respondent in issuing the notice dated 22.7.2005 under section 6 of the A.P. Land Encroachment Act, without considering his explanation, as illegal.

It is the case of the writ petitioner that he has been in possession of the land of an extent of Ac.5.55 cents of land in Sy.No.12 and Ac.5.00 in Sy.No.20/2P of Nallabilli Village for more than 40 years, without any interruption. While so, the 1st respondent issued a notice to the petitioner under Section 7 of the A.P. Land Encroachment Act. The petitioner submitted his explanation. But the respondent, without considering the explanation of the petitioner, issued the notice impugned. Hence, the writ petition.

Heard the learned Counsel for the petitioner as well as the learned Government Pleader for revenue and perused the material available on record.

On a perusal of the record, it is apparent that challenging the notice impugned herein, the petitioner filed an appeal before the 2nd respondent and the same is pending consideration. In the appeal, the petitioner sought suspension of the notice impugned, but it was not done. Hence, apprehending that he would be dispossessed by the respondents from the land in question pending the appeal before the 2nd respondent, the writ petitioner filed this Writ Petition.

In view of the above facts and circumstances of the case, without expressing any opinion on the merits of the case, I feel it appropriate to dispose of the writ petition, with a direction to the 2nd respondent to dispose of the appeal pending before him, in accordance with rules and regulations, within a period of three months, from the date of receipt of a copy of this Order. Till then, the petitioner shall not be dispossessed from the land in question. However, liberty is given to the petitioner to raise all the contentions that were raised before this Court, before the 2nd respondent.

In the result, the writ petition is accordingly disposed of at the admission stage. No costs.

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23rd August, 2005

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